

## **ARTICLE 19**

### **SITE PLAN REQUIREMENTS**

#### **STATEMENT OF INTENT**

The purpose of these requirements is to promote the orderly development of certain activities in the City and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. More specifically, the site plan shall be used to review the project's compatibility with its environment; to review the ability of the project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians; to review the quantity, quality, utility, and type of the project's required community facilities; and to review the location and adequacy of the project's provision for drainage and utilities.

#### **SECTION 19-1. WHEN REQUIRED.**

- 19-1-1        The provisions of this Article shall apply to all buildings, structures, or non-agricultural land uses and land disturbance activities except single family dwellings not situated within a Planned District. (2-9-88, Case TA-87-11, Ord. No. 006-88) (12-12-00, Case TA-00-08, Ord. No. 026-2000)
- 19-1-2        Where a change of use or expansion of the same use of land or structures generates additional parking requirement or requires conformity with other requirements herein, or where non-agricultural land disturbance exceeding two thousand five hundred (2,500) square feet of area is proposed, a site plan shall be submitted for review and approval to ensure the use can be accomplished in accordance with the standards and intent of this Ordinance except for those activities for which the standards or plan requirement may be waived as provided by Section 19-2 of this Ordinance. (12-12-00, Case TA-00-08, Ord. No. 026-2000)

#### **SECTION 19-2. WAIVER OF REQUIREMENTS.**

- 19-2-1        Any requirement of this Article may be waived by the Director of Planning where the waiver is not adverse to the purpose of this Article and the applicant establishes that in his specific case an undue hardship would result from a strict enforcement of this Article, or that the requirement is unreasonable.

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- 19-2-2           The Director of Planning may waive the requirements for site plan review for additions to buildings, structures, uses if, in his opinion, such addition does not substantially affect the purpose and intent of this Article.

### **SECTION 19-3.       SITE PLAN SPECIFICATIONS.**

Every site plan shall be prepared in accordance with the following specifications:

- 19-3-1           The scale shall not be less than fifty (50) feet to one (1) inch.
- 19-3-2           All site plans shall be submitted on twenty-four inch (24") by thirty-six inch (36") sheets.
- 19-3-3           If the site plan is prepared on more than (1) sheet, match lines shall clearly indicate where the several sheets join.
- 19-3-4           Horizontal dimensions shall be in feet and decimals of feet to the closest one hundredth (1/100) of a foot.

### **SECTION 19-4.       SITE PLAN CONTENTS.**

The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture or land surveying shall be prepared by qualified persons. Final site plans shall be certified by an architect, engineer, or land surveyor licensed to practice by the Commonwealth of Virginia within the limits of their respective licenses. The site plan shall provide the following:

- 19-4-1           The proposed title of the project and the name of the engineer, architect, landscape architect, surveyor, and/or developer; the name of the developer; and a signature panel for the Director of Planning's approval.
- 19-4-2           The northpoint, scale, date, and vicinity map.
- 19-4-3           Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties.
- 19-4-4           The present use of all contiguous or abutting property.
- 19-4-5           The boundaries of the property involved by bearings and distances, certified by a land surveyor licensed to practice in the Commonwealth of Virginia.

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- 19-4-6 All existing property lines, existing streets, buildings, watercourses, waterways, or lakes and other existing physical features in or adjoining the project. Those physical features such as watercourses, waterways, or lakes on adjoining properties need only be shown in approximate scale and proportion.
- 19-4-7 Topography of the project area with contour intervals of two (2) feet or less.
- 19-4-8 The location and sizes of sanitary and storm sewers, gas lines, water mains, culverts, and other underground structures in or effecting the project, including existing and proposed facilities and easements for these facilities.
- 19-4-9 The location, dimensions, and character of construction of proposed streets, alleys, driveways, and the location, type, and size of ingress and egress to the site.
- 19-4-10 When proposed streets intersect with or adjoining existing streets, both edges of existing pavement surface of curb and gutter must be indicated for minimum of fifty (50) feet or the length or connections, whichever is the greater distance.
- 19-4-11 The location of all off-street parking and parking bays, loading spaces, and walkways, indicating types of surfacing, size, and angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces.
- 19-4-12 The location, size and type of all trees in public rights-of-way and immediately adjacent to the project boundaries or which may be affected by the proposed project and the location of all trees on the site with a caliper of six (6) inches or greater. The site plan shall show heavily wooded areas and trees to be removed which shall be designated by symbols coincident with the areas of the trees; and an indication of which trees are to be retained and which are to be removed. (7-10-90, Case TA-90-03, Ord. No. 024-90) (12-12-00, Case TA-00-08, Ord. No. 026-2000)
- 19-4-13 The location, height, type and material of all fences, walls, screen planting, and landscaping details of all buildings and grounds, and the location, height, and character of all outdoor lighting systems.
- 19-4-14 The location and street addresses of all proposed buildings and structures, accessory and main; number of stories and height; proposed general use for each building; and the number, size, and type of dwelling units where applicable. (7-10-90, Case TA-90-03, Ord. No. 024-90)

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- 19-4-15 The location of designated solid waste receptacle(s) with unobstructed access allowing for convenient pick up. The plan shall include a detail illustrating the size and construction of a required concrete pad and necessary enclosures. The receptacle site shall be enclosed by screening including, but not limited to decay resistant wood or masonry screening walls equal to or greater in height than the receptacle(s) being screened. Landscaping around the perimeter shall also be provided. If visible from any public or private street or alley, said enclosure shall include opaque gates offering complete screening at all times except during disposal or collection of trash. (8/9/88, Case TA-88-02, Ord No. 027-88)
- 19-4-16 Provisions and schedule for the adequate disposition of natural and storm water in accordance with design criteria and construction standards of the City of Winchester indicating location, size, types, and grades of ditches, catch basins, and pipes and connection to existing drainage system.
- 19-4-17 Provisions and schedule for the adequate control or erosion and sedimentation, in accordance with City of Winchester Erosion and Sedimentation Control Ordinance.
- 19-4-18 Proposed finished grading by contour supplemented where necessary by spot elevations.
- 19-4-19 Flood plain limit studies as required by the Director of Planning.
- 19-4-20 The location, character, size, height, and orientation of proposed signs.
- 19-4-21 The location and dimensions of proposed recreation, open space, and required amenities and improvements, including details of disposition.
- 19-4-22 Any necessary notes required by the Director of Planning to explain the purpose of specific items on the plan.
- 19-4-23 Provisions for wastewater disposition and pretreatment, if required, in accordance with standards of the City of Winchester. (7-10-90, Case TA-90-03, Ord. No. 024-90)

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### **SECTION 19-5. IMPROVEMENTS AND STANDARDS.**

The following improvements and minimum standards, as applicable, shall be required and provided for in a site development plan. The site plan shall also comply with requirements contained in the Land Subdivision Ordinance. (12-11-91, Case TA-90-06, Ord. No. 043-90)

- 19-5-1 All street and highway construction standards and geometric design standards shall be in accordance with those specified in the Land Subdivision Ordinance of the City of Winchester except that the City Engineer may modify street geometric design standards for local collector and minor loop streets provided that off-street parking bays sufficient to accommodate the required parking ratio are provided to complement the street system and approval for modification is obtained from the Virginia Department of Transportation, where applicable.
- 19-5-2 The pavement of vehicular travel lanes, driveways, or alleys designed to permit vehicular travel on the site and to and from adjacent property and parking areas shall be not less than twenty (20) feet in width for two (2) way traffic and ten (10) feet for one (1) way traffic.
- 19-5-3 Cul-de-sacs shall be designed and constructed in accordance with the street standards specified in the Land Subdivision Ordinance of the City of Winchester, and may not be construed or employed as a parking bay.
- 19-5-4 Minimum utility width shall be twenty (20) feet unless specifically reduced as specified by the Director of Planning. Where multiple structures or pipes are installed, the edge of the easement shall be five (5) feet clear of the outside pipes. Where easements do not follow the established lot line, the nearest edge of any easement shall be a minimum of five (5) feet from any building.
- 19-5-5 Sidewalks and pedestrian walkways shall be designed to enable patrons and tenants to walk safely and conveniently from one (1) building to another within the site and adjacent sites.

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### 19-5-6 LANDSCAPING.

- 19-5-6.1 Landscaping that enhances the appearance of the City from its streets; buffers between properties in different zoning districts; and recreational facilities for residents shall be provided. At least fifteen percent (15%) of the land in a site plan for nonresidential uses, at least thirty percent (30%) of the land in a site plan for residential uses in the HW Historic District, at least thirty-five percent (35%) of the land in a site plan for age-restricted multifamily developments in the Highway Commercial , B-2 District per Section 8-2-20, and at least forty-five percent (45%) of the land in a site plan for residential uses not situated within the HW District shall not be covered by buildings (excluding buildings used for or associated with recreational purposes), solid waste enclosures, sidewalks (excluding paths primarily associated with recreational purposes), or off-street parking areas, and shall be used for landscaping, buffering, and/or recreational purposes. These standards are designed to ensure that the private sector makes a reasonable visual contribution to the quality and character of the City. For multifamily dwellings and townhouses outside the HW Historic District, green areas less than thirty (30) feet in width between adjacent buildings and green areas less than ten (10) feet in width between buildings and off-street parking areas shall not be included in the calculation of the required forty-five percent (45%) computations. (9-12-89, Case TA-89-01, Ord. No. 022-89; 8-8-95, Case TA-95-03, Ord. No. 032-95; 05-14-96 Case TA-96-01, Ord. No. 012-96; 9-13-05, Case TA-05-02, Ord. No. 025-2005)
- 19-5-6.2 If a proposed site plan shows an existing development whose building area is expanding by less than twenty-five percent (25%) and application of the landscape/buffering area percentages established above would unreasonably preclude such expansion then the Planning Commission may accept lower landscape/buffering areas percentages.
- 19-5-6.3 The Board of Architectural Review shall consider site plans within the Historic Winchester District and recommend to the Planning Commission the appropriate percentage of the site devoted to landscaping, buffering, and/or recreational facilities. The Board shall ensure that the maximum amount of such facilities are provided that would be consistent with the development pattern in the Historic District. In lieu of some or all of the thirty (30%) on-site landscaping and/or recreational facilities in the Historic District, the applicant may offer improvements to public open spaces including the Old Town Pedestrian Mall, Timbrook Park, or other spaces identified by either the Old Town Development Board or the City Parks And Recreational Master Plan as appropriate toward enhancing the appearance of Old Town and/or adjacent historic neighborhoods. (9-14-05 Case #TA-04-06, Ord. No. 040-2004)

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- 19-5-6.4 The following design criteria are the minimum standards to be used to evaluate the landscaping, buffering, and/or recreational areas of a site plan. These minimum criteria shall be closely followed; however, the Planning Director may allow variation where reasonable application of the criteria is not possible due to circumstances beyond the control of the property owner. Such circumstances would include, but not be limited to, the presence of overhead power lines or underground utilities that may affect plant type and location.
- a. A landscaped area at least ten (10) feet wide adjacent to all existing public rights-of-way and private streets provided in lieu of public street frontage shall be provided except that the Commission may allow landscaped areas in the B-1 district to be reduced to four (4) foot in width where a width greater than four (4) foot is deemed less appropriate. For properties fronting along rights of way narrower than the minimum right-of-way width associated with the appropriate Category of Street per Section 5-26 of the Land Subdivision Ordinance or prepared highway widening plan, the ten (10) foot width shall be measured from the right-of-way line(s) called for in the Subdivision Ordinance or widening plan instead of the existing one(s). At least one tree for each thirty-five (35) feet of public right of way or private street frontage shall be provided within this landscaped area. (12-13-88, Case TA-88-12, Ord. No. 055-88) (8-8-95, Case TA-95-03, Ord. No. 032-95)
  - b. Where buildings are separated from the public right of way by more than fifty (50) feet of off-street parking area, raised landscaping (shrubs, berms, decorative walls, etc.) with a minimum height of thirty-six (36) inches shall be provided in the landscaped area adjacent to the public right of way. However, this raised landscaping shall be no closer than twenty-five (25) feet from a curb opening and shall not create a visual obstruction at an intersection (see Section 18-12-1).(8-8-95, Case TA-95-03, Ord. No. 032-95)
  - c. At least one tree for each two thousand (2000) square feet of off-street parking area shall be provided within the parking area. Curbed landscaped islands at least nine (9) feet in width shall be provided at the ends of all rows of parking spaces. Curbed landscaped medians of at least ten (10) feet in width shall be provided separating every sixth row of parking. Trees closer than twenty (20) feet to any building or public right of way shall not be counted. If located within an interior island, a curbed unpaved area of at least one hundred fifty (150) square feet shall be

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provided at the base of each tree. (12-13-88, Case TA-88-12, Ord. No. 055-88) (8-8-95, Case TA-95-03, Ord. No. 032-95)

- d. Landscaping, meeting the specifications listed below shall be provided along the entire length of external property lines adjacent to property in a less intensive zoning district or where an off-street parking area for a nonresidential use is closer than fifty (50) feet to a lot in a residential district without an intervening street. This is intended to minimize the impact of adverse visual effects and noise on the residential property. It is the intent of this provision that such landscaping shall provide opaque screening of the property being developed. The applicant, however, shall only be required to provide screening meeting the specifications listed below at the time of installation. (12-13-88, Case TA-88-12, Ord. No. 055-88) (8-8-95, Case TA-95-03, Ord. No. 032-95)
  1. Six (6) foot high fence; solid decay resistant wood or otherwise constructed to be permanently opaque with the finished side facing out; or,
  2. Double row of evergreen trees, preferably from the current Evergreen Screening Suggestion list prepared by the Tree Commission, the trees in each row planted not more than ten (10) feet apart, and the trees to be staggered in the two rows. The trees shall be not less than five (5) feet high at the time of planting. (8-8-95, Case TA-95-03, Ord. No. 032-95)
  3. The screening required by this section may be waived or modified by the Commission or Planning Director in the following situations:
    - i. If the adjacent property is being used for or, if vacant at the time of application, is zoned to allow a use similar to that proposed by the site plan applicant.
    - ii. If the subject property abuts a railway along the interface with the less intensive zoning district.
    - iii. If the applicant provided alternative screening which will provide opaque screening not less than six (6) feet high at the time of installation.



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- e. Trees shall be provided along property lines between parcels in different zoning districts when the proposed structure will be taller than the maximum height allowed in the adjacent zoning district. At least one tree for each thirty-five (35) feet of property line and within ten (10) feet of the line shall be provided within an area of at least one hundred fifty (150) square feet at the base of each tree. (8-8-95, Case TA-95-03, Ord. No. 032-95)
- f. All portions of the landscaped area (excluding recreation, detention, and drainage areas) shall be landscaped with living ground cover (excluding rock or bark), shrubs, and/or trees so that no ground is exposed.
- g. Multifamily residential site plans shall devote twenty percent (20%) of the required landscaping, buffering, and recreation area to active recreational facilities (such as playground equipment, swimming pools, ball courts, community buildings with open common areas, etc.). The installation and maintenance of such facilities shall be outlined in the landscape plan to assure perpetual maintenance and use of the facilities. (12-13-88 Case TA-88-09, Ord. No. 051-89)
- h. A landscape plan shall be provided that clearly and specifically identifies all landscape, buffering, and/or recreational areas as well as the type and size of all plant material. Large deciduous shade trees (preferably from the current Recommend Tree List as adopted by the Tree Commission) that are compatible with urban environments shall be used adjacent to public rights of way, within surface parking areas, and along property lines (when screening tall structures). Trees listed as prohibited from planting within the public rights of way by the Tree Commission shall not be accepted as compatible. Applicants should discuss specific species with the staff and the City Tree Commission. When planted, these trees shall have a minimum of two (2) inch caliper, six (6) inches above grade and shall be no closer than twenty (20) feet to each other. (8-8-95, Case TA-95-03, Ord. No. 032-95)
- i. Foundation planting shall be provided where off street parking area is situated between the building(s) and the street(s). A planting strip or planter at least three (3) feet wide with living upright vegetation (e.g. shrubs) shall be provided between the off street parking area(s) and the plane of the building(s) parallel to the street(s) (8-8-95, Case TA-95-03, Ord. No. 032-95)

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- j. Owners of properties shall maintain required landscaping in good condition and shall make reasonable provisions to protect landscaped areas from damage caused by vehicles, pedestrians, shopping carts, etc. Maintaining landscaping in good condition shall include allowing large shade trees to grow according to the natural height, width and habit of the particular species and shall specifically preclude the topping of required large shade trees. Topping is defined as the drastic cutting back of tree branches and reduction of the shade canopy to stubs or lateral branches that are not large enough to assume a terminal role. Dead or dying vegetation shall be replaced per direction of the Administrator. Replacement shrubs shall be of a size consistent with that which could normally be expected based upon the specific species and the length of time elapsed since initial installation of said required landscaping elements. Replacement trees shall be 1/2" caliper larger for each year since initial installation of said required trees, except that no owner shall be required to replace any tree with another tree larger than five (5) inches in caliper. (8-8-95, Case TA-95-03, Ord. No. 032-95) (8-8-00, Case TA-00-04, Ord. No. 018-2000)

- 19-5-7 In order to preserve the character and natural environment and to provide visual and noise buffering, the Administrator may refuse to approve any site plan which proposes unnecessary destruction of trees and other natural features. The Director of Planning shall require assurance that the developer has made reasonable effort in light of the proposed development to preserve, replenish, and protect trees of six (6) inch caliper or larger, ornamental trees of any size; trees within required setbacks or along boundaries unless necessary to remove for access, grading, circulation, utilities, or drainage; streams in their natural condition. (12-12-00, Case TA-00-08, Ord. No. 026-2000)

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19-5-8 Outdoor lighting sufficient to provide site security and enhance personal safety shall be provided in all developments requiring a site plan. Lighting shall be so arranged and hooded as to confine all direct light rays entirely within the boundary lines of the site. (9-9-97, TA-97-08, Ord. No. 022-97)

19-5-8.1 An illumination schematic depicting foot candles shall be provided with all site plans. Uniformity of illumination over off-street parking areas shall not exceed a ratio of 4:1 wherein the most intensely illuminated areas shall not be more than four times as bright as the least intensely illuminated areas. Vertical readings shall be measured at five feet above ground or pavement level. Horizontal readings shall be measured at ground or pavement level. The following average vertical and horizontal foot candle (fc) illumination standards shall be met and maintained for each of the uses below:

USE TYPE	VERTICAL fc	HORIZONTAL fc
Residential (other than non-PUD single-family detached)	1 fc	1fc
Office, Retail, Industrial, Lodging, Cultural, Recreation, Entertainment, Institutional, Service (except as specified below)	3fc	3fc
Convenience Stores, Night Clubs, Parking Garages	6fc	3fc
Drive-thru/ATM areas	6fc	6fc

(Ord. 021-99, 08-11-99, TA-99-02)

### SECTION 19-6. PROCEDURES.

19-6-1 Authority for Review and Approval. Site plans may be approved administratively by the Director of Planning, after a pre-application conference, pursuant to Section 19-6-2, and after notice to the Chairman of the Planning Commission. The applicant, Director of Planning, or Chairman of the Commission may require that the site plan be reviewed by the Planning Commission. (2-9-88, Case #TA-87-12, Ord. No. 007-88)

19-6-2 Pre-application Conference. All applicants for site plan review shall first submit a preliminary plan and request a pre-application review conference with the Director of Planning and representatives of the appropriate City departments. The purpose of the conference shall be to discuss the site

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plan, off-street parking, signs, and other City ordinance requirements, utilities, and drainage, preliminary features of the proposed development as they relate to this Article. (2-9-88, Case TA-87-12, Ord. No. 007-88)

### 19-6-3 Review and Approval of Final Site Plan.

a. Following the pre-application conference, the applicant shall submit three (3) copies of the final site plan to the Director of Planning with a completed Site Plan Application and the fee as per Section 23-8 of this Ordinance. The Director shall have up to thirty (30) days to circulate the plan to the appropriate City departments, boards, and/or commissions for written comments, and to notify the applicant of the action taken which may be approval, approval subject to conditions, disapproval, or referral of the site plan to the Commission. Within ninety (90) days of the filing of a final site plan that has been referred to the Commission, the Commission shall have the applicant notified of its action which may be approval, approval subject to conditions, disapproval. In the case of disapproval by the Commission, the applicant shall be notified of the corrections or modifications which are necessary to permit approval by the Director or Commission. The site plan shall be considered approved unless the Commission acts within sixty (60) days from the date of submission of the final site plan. (10-13-92, Case TA-92-02, Ord. No. 016-92)

b. Repealed. (10-13-92, Case #TA-92-02, Ord. No. 016-92)

19-6-3.2 Public Notice and Hearing. No site plan which is referred to the Commission shall be acted upon by the Commission until a public hearing has been held per Section 23-7-1 of this Ordinance. (2-9-88 Case TA-87-12 Ord. No. 007-88 (10-13-92, Case TA-92-02, Ord. No. 016-92)

19-6-3.2b Notification Signs. For the hearing by the Commission, the applicant shall place notification signage as per Section 23-7-3 of this Ordinance.(10-13-92, Case TA-92-02, Ord. No. 016-92)

19-6-3.3 For those plans which are referred to the Commission, twelve (12) additional copies of the site plan shall be submitted at least four (4) days prior to the next Commission worksession.

a. Repealed. (10-13-92, Case TA-92-02, Ord. No. 016-92)

b. An applicant may appeal the decision of the Planning Commission within ten (10) days in writing to the Circuit Court.

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### **SECTION 19-7. SITE PLAN TERMINATION OR EXTENSION.**

- 19-7-1 An approved site plan shall expire and become null and void if no building permit has been obtained for the site in twelve (12) months after the final approval.
- 19-7-2 The Director of Planning or the Planning Commission may grant an extension of one (1) year.
- 19-7-3 Thereafter, one (1) year extensions may be granted annually by the Director of Planning.

### **SECTION 19-8. REVISIONS TO APPROVED SITE PLAN.**

If it becomes necessary for an approved site plan to be revised, the Director of Planning shall at the applicant's request either administratively approve the minor revision to the site plan upon finding that it complies with all applicable regulations; or, if the change is major, require that a new site plan be drawn and submitted for review and action in accordance with this Article. Every application for a minor site plan revision shall be accompanied by a filing fee as per Section 23-8 of this Ordinance. (04-10-90 Case TA-90-13 Ord. No. 011-90) (10-13-92, Case TA-92-02, Ord. No. 016-92)

### **SECTION 19-9. SITE PLAN PREREQUISITE TO REQUEST OF BUILDING PERMITS.**

No building permit shall be requested or issued to construct, erect, or alter any building or structure or any permit authorization granted to improve or develop land subject to the provision of this Article, unless a site development plan has been submitted and approved, or waived by the Director of Planning pursuant to Section 19-2 of this Ordinance. (12-13-88, Case TA-88-11, Ord. No. 053-88)

### **SECTION 19-10. COMPLIANCE WITH APPROVED SITE PLAN.**

- 19-10-1 Inspections shall be made during the installation of off-site and on-site improvements by the Director of Planning, the Building Inspector, and the Utilities Superintendent in their areas of responsibility to ensure compliance with the approved site plan.
- 19-10-2 The owner or developer shall provide adequate supervision at the site during installation of improvements required by the site development plan and shall make one (1) set of approved plans available at the site at all times that work is being performed.

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- 19-10-3 Whenever any proposed setback or yard is less than the required setback or side or rear yard plus two (2) feet, the owner or developer shall provide, at the time of footing inspection, survey markers, showing the required setback or yard, which have been set and certified by a land surveyor licensed under the laws of the Commonwealth of Virginia. Survey markers may be offset up to but not exceeding four (4) feet. The amount of offset shall be clearly indicated on the survey marker. The markers shall remain in place and undisturbed until completion of the foundation wall. (4-10-90 Case TA-90-13 Ord. No. 011-90)

### **SECTION 19-11. SITE IMPROVEMENTS TO BE COMPLETED OR BONDED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY. (2-14-89 CASE TA-88-16, ORD. NO. 003-89)**

- 19-11-1 Prior to submitting a request for a Certificate of Occupancy, the owner or developer shall have completed or bonded all of the improvements included on the approved site plan or approved site plan revision. No Certificate of Occupancy shall be issued for developments where a suitable base is not provided for emergency access or vehicular parking.
- 19-11-2 The Planning Director may accept surety in an amount equal to one and one half times the installed costs of the improvements outstanding. The surety shall be drawn in a manner acceptable to the City Attorney and shall provide for completion of all work within a specified period of time. Failure to complete the improvement within the specified time or any mutually agreeable extension up to one year each shall constitute default and Certificate of Occupancy shall become void. The owner or developer waives any rights to contest the utilization of the posted surety by the City or its designee(s) to cause completion of the improvements. The owner or developer also shall grant access to the property to allow completion of the improvements.
- 19-11-3 Surety shall only be accepted in lieu of completion of improvements where such work cannot be completed due to inclement weather, delays directly caused by public construction projects, or factors beyond the control of the developer.